

**COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS  
MINUTES**

September 14, 2010

10:00 a.m. – 2:00 p.m.

State Courts Building, Room 119 A/B  
1501 W. Washington St., Phoenix, AZ 85007

**MEMBERS PRESENT**

Allison Bones  
Joi Davenport (telephonic)  
Joan Fox, DDS  
Gloria Full  
V. Michele Gamez, Esq.

Bridget Humphrey, Esq.  
Honorable Joseph P. Knoblock  
Honorable Dennis Lusk  
Patricia Madsen, Esq.  
Commander Scott Mascher  
Leah Meyers, GOCYF/DFW  
Honorable Wendy Million  
Heidi Muelhaupt  
Honorable Cathleen Brown Nichols  
(telephonic)  
Marla Randall (telephonic)  
Honorable Emmet Ronan  
Honorable Carol Scott Berry  
Renaë Tenney  
Tracey Wilkinson

**MEMBERS ABSENT**

Dr. Kathy S. Deasy  
Professor Zelda Harris  
Laura Horsley  
Honorable Daniel G. Martin  
Chief Jerald Monahan

Andrea K. Sierra  
Doug Pilcher  
Honorable Kristi Youtsey Ruiz

**STAFF**

Kay Radwanski  
Lorraine Nevarez

**GUESTS**

Ashley Donovan, CLS  
Leslee Garner, AOC  
Laura Guild, DES  
Stephanie Mayer, AzCADV

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**I. CALL TO ORDER**

**A. Welcome and Opening Remarks**

Honorable Emmet Ronan, chair, called the September 14, 2010, meeting of the Committee on the Impact of Domestic Violence and the Courts (CIDVC) to order at 10:10 a.m. Judge Ronan welcomed and introduced the newly appointed member Honorable Carol Scott Berry. All members introduced themselves.

**B. Approval of Minutes from May 11, 2010** Minutes of the May 11, 2010, CIDVC meeting were presented for approval.

**MOTION:** Motion was made and seconded to approve the May 11, 2010, meeting minutes.  
Motion passed unanimously.

## **II. MAG Protocol Evaluation Project**

Renae Tenney, Maricopa Association of Governments (MAG), presented on a project that MAG will be conducting. MAG was established in 1967 as a planning agency. Its mission is to work with different cities, towns and tribal communities across Maricopa County regarding air quality, water quality, transportation and human services. The Human Services Division has a Regional Domestic Violence Council that will be facilitating a multidisciplinary project. The project will focus on bringing together stakeholders that are involved in the arrest and prosecution of misdemeanor domestic violence offenders.

The Regional Domestic Violence Council received funding from St. Luke's Health Initiative to complete a regional plan. The plan focused on identifying 15 strategies that could be implemented to continue better serving domestic violence survivors. Some of the areas that were identified were funding, collaboration, coordination, training and education. Through the 15 strategies, the council was able to develop the MAG Domestic Violence Protocol Evaluation Project.

The MAG Domestic Violence Protocol Evaluation Project aims to assess local protocols by engaging law enforcement officers, prosecutors, advocates, and survivors. Funded by the STOP Grant from the Governor's Office, the project strives to increase safety for survivors, hold more abusers accountable, and potentially find cost savings through streamlined processes.

The Council is gathering information by soliciting suggestions from different agencies to improve the process. A protocol inventory list is being developed to learn the current practices in place.

Ms. Tenney asked whether the committee had any suggestions to improve the process. The committee suggestions are as follows:

- Make sure law enforcement is using Form 4 (located in the Rules of Criminal Procedure) to gather information that judges can use when determining a defendant's release conditions.
- Have accurate resource information, such as current telephone numbers for service providers and the type of help available, to provide to victims.
- Use investigative tools that will provide information in evidence-based prosecutions.
- Ask law enforcement to include more detail in their probable cause statements on Form 4. If the probable cause statement lacks sufficient detail and does not include all the elements of the crime charged, the case will be dismissed.
- Improved communication between victim advocates and county attorneys and prosecutors.
- Keep track of victims to avoid having cases dismissed when a victim moves and cannot be served with court papers.

## **III. SACT Regional Community Conversations**

Leah Meyers, Governor's Office for Children, Youth & Families, reported about the State Agency Coordination Team (SACT). SACT is comprised of nine state agencies that meet monthly to discuss domestic violence-related issues. This summer SACT members traveled throughout the state and conducted regional "community conversations" to discuss the needs in the DV community in Arizona. These discussions focused on domestic violence, sexual assault, stalking, dating violence and other violent crimes. Each community identified areas in which they had limited resources and services for their community. Trends identified in the meetings included:

- Available resources vary among communities, particularly when comparing the county seat to surrounding rural areas.
- There were longer term stays in shelters.
- The rural areas need more legal advocacy support.
- In some areas, burglary, child abuse and petty crimes have increased.
- Child care resources are lacking.
- DV communities are requesting more support with providing basic needs (food boxes, increased thrift store activity, more requests for utility assistance, etc
- Some agencies found that there were fewer donations of time and usable donations, while other agencies saw an increase in the number of volunteers.
- Some of the people who are desperate for services have become rude, annoyed, and angry.
- A few communities noticed an increase in suicides and substance abuse.
- Collaboration and communication among service agencies increased.
- There were fewer requests from Spanish-speaking clients.

Part of the community discussion also included ideas (not considering the budget) that would improve their services. They are as follows:

- Transportation, especially in rural areas.
- One-stop-shop for victim services that would be all-encompassing, responsive, accessible, serve all populations, and would have no language barriers (on-scene crisis response, emergency shelter, nurse examiner, support for investigation, advocate, case management, utility support center, etc.).
- Legal services to victims in civil cases.
- Basic needs support
- Making child care and housing (emergency and transitional) more affordable.
- Provide training to improve job and education skills.
- Provide education for law enforcement and first responders.
- Improve defendant accountability through probation.
- Provide improved batterer intervention programs.

SACT will put together a report that encompasses all the information gathered from the various communities. This will help agencies that administer grants to be informed of the communities' priorities.

#### **IV. Report from the Domestic Violence Fatality Review Conference**

Stephanie Mayer, project coordinator, Arizona Coalition Against Domestic Violence (AzCADV), reported on the national conference of the Domestic Violence Fatality Review Initiative (DVFRI). The group met in Phoenix on August 16-17. Dr. Neil Websdale, NAU professor, is director of the national initiative. The two-day conference, attended by more than 300 participants from all over the U.S., included nationally known speakers. The interactive conference allowed attendees to participate in mock reviews involving real cases. Ms. Mayer noted that learning the process and gaining a better understanding of how communities respond to domestic violence is essential. Panel discussion topics included setting up DV fatality teams, working with surviving family members, examining barriers to services for immigrants, and risk assessment and practical applications. Conference materials are available on a CD, which Ms. Mayer can provide to interested members.

## **V. Progress Report: Recovery Act STOP Grant Project**

Leslee Garner, AOC, reported and provided a brief demonstration on the computer-based training program (CBT) materials she has developed. The “DV 101 for Court Staff” CBT is an hour long and contains assessment questions. The “Top Ten DV Questions” CBT is about 30 minutes long. Both CBTs have been distributed to the courts, and a CBT for judges is in progress. Ms. Garner described other projects she has been working on, such as revision of the DV Benchbook (scheduled for release in January), a resource manual for court staff, and finalizing the DV Summit agenda for March 3, 2011.

## **VI. Update: ARPOP Rule Change Petitions**

Kay Radwanski, AOC, reported on Supreme Court’s Rules Agenda meeting on August 31-September 1. CIDVC had filed comments opposing three Rule 28 petitions filed by a Glendale resident. The Supreme Court rejected all three petitions. The following three petitions were rejected:

- R-09-0045 (regarding R. 6(E)(4)(c)(2), ARPOP, and the requirement that judicial officers ask a plaintiff for an Injunction Against Harassment about the defendant’s access to firearms);
- R-10-0013 (regarding R. 1(D)(4), ARPOP, and the court’s discretion to direct a defendant to remain in the courtroom for a period of time after the plaintiff is excused); and
- R-10-0014 (regarding R. 1(B)(1)(d), ARPOP, and usage of the term “victim” in the rules).

The Court did adopt the following two petitions:

- R-09-0026 (filed by the AOC, amending Rule 6, regarding romantic or sexual relationships and Orders of Protection), and
- R-10-0025 (filed by the AOC, regarding animals and Orders of Protection, adopted on emergency basis, will circulate for comments until May 20, 2011).

The petitions, comments, and responses can be found on the Judiciary Branch website at <http://azdnn.dnnmax.com/AZSupremeCourtMain/AZCourtRulesMain/CourtRulesForumMain/CourtRulesForum/tabid/91/view/topics/forumid/45/Default.aspx>

## **VII. Workgroup Reports**

A. *ARPOP* (Judge Finn, chair) – Nothing to report.

*Special ARPOP Workgroup* - This workgroup met to discuss the transfer of cases from Limited Jurisdiction courts to Superior Court when children who are the subject of a custody order are also named on a protective order, specifically in situations in which only one party on the protective order is a parent to the child. The workgroup is still discussing possible resolutions.

B. *CPOR Policy* (no designated chair) – Nothing to report.

C. *Best Practices* (Hon. Wendy Million) – Judge Million reported that the workgroup’s Best Practices report was placed on the Wendell website for judges. Judge Million said she would follow up on sending scenarios out to judges via email regarding different types of DV cases. This would provide judges with information and references to the specific rules that apply to

the case. The scenarios would be short and the references concise.

- D. *Education* (Allie Bones, chair): Ms. Bones reported that the workgroup has been working with Ms. Garner to confirm speakers for the March DV Summit. The summit will focus on court-related topics such as criminal issues, protective orders, family court and domestic violence, and probation. Another project will be establishing DV-related workshops sponsored by CIDVC at the 2011 Judicial Conference.
- E. *Forms and Practices* (Hon. Elizabeth Finn, chair): Ms. Radwanski advised the committee of the change in the Plaintiff's Guide Sheet for Protective Orders regarding animals. Ms. Radwanski noted that Tucson City Court has translated the Plaintiffs and Defendants Guide Sheet into Spanish, and the Superior Court in Coconino County has translated all of the Project Passport forms into Spanish.

The workgroup will also be working on adding clarifying language to the Defendant's Guide Sheet. This will inform defendants that they may request their own protective order if they meet other legal requirements.

Ms. Radwanski noted that "I Speak" cards are being developed to help litigants communicate to the courts what language they speak so, an interpreter can be located. It was suggested that the card also have pictures for those that are not literate.

## **XI. Adjournment**

The meeting was adjourned at 1:09 p.m.

### **Next Meeting:**

Tuesday, November 9, 2010

10:00 a.m. – 2:00 p.m.

State Courts Building, Conference Room 119 A/B